

REMARKS

The Office Action dated June 15, 2005, has been received and carefully considered. Claims 1-22 are pending in the present application.

In this response, claims 1, 5, 11, 13, and 21 have been amended. Entry of the amendments to claims 1, 5, 11, 13, and 21 is respectfully requested. Reconsideration of the outstanding restriction requirement and objections is also respectfully requested based on the following remarks.

I. THE ELECTION/RESTRICTION REQUIREMENT

On page 2 of the Office Action, the Examiner asserts that the present application contains claims directed to two patentably distinct species of the claimed invention: claims 1-12 directed to a buckle status detector using inductance change detection; and claims 13-22 directed to a buckle status detector using coupling factor detection.

The Applicant hereby respectfully traverses this election/restriction requirement, with amendment, and hereby requests that the Examiner reconsider and withdraw this election/restriction requirement. As required, however, the Applicant provisionally elects claims 1-12 for prosecution in

the event that this election/restriction requirement is made final.

Under 35 U.S.C. § 121, restriction is appropriate if two or more independent and distinct inventions are claimed in one application. As set forth in MPEP § 802.01, inventions are independent if there is no disclosed relationship between the two or more subjects disclosed, and inventions are distinct if two or more subjects as disclosed are capable of separate manufacture, use, or sale as claimed.

On page 2 of the Office Action, the Examiner attempts to explain how claims 1-12 are distinct from claims 13-22. However, the Examiner fails to explain how claims 1-12 are independent from claims 13-22. That is, both independent claims 1 and 13 are directed to a device for recognizing a condition of a belt buckle comprising a sensor. Thus, claims 1 and 13 are related and are not independent from each other. Accordingly, it is respectfully submitted that the election/restriction requirement is improper, and the withdrawal of such election/restriction requirement is respectfully requested.

II. THE OBJECTION TO CLAIMS 1, 11, 13, AND 21

On page 3 of the Office Action, claims 1, 11, 13, and 21 were objected to for several informalities.

Regarding claims 1 and 13, the Examiner asserts that the term "directly interrogates" is inaccurate. Applicants respectfully disagree. The specification is replete with instances of where the term "directly interrogate" is used (e.g., page 1, paragraph 0002; page 1, paragraph 0010; page 1, paragraph 0011; page 1, paragraph 0012; page 1, paragraph 0013; page 2, paragraph 0032; page 2, paragraph 0002). Thus, the term "directly interrogates" is well supported by the specification. Applicants would like to remind the Examiner that Applicants are permitted to be their own lexicographer when drafting the specification and claims.

At this point it should be noted that claims 1 and 13 have been amended solely to correct antecedent basis and grammatical errors.

Regarding claims 11 and 21, the Examiner asserts that the claim dependency recitation should be in the preamble. While Applicants respectfully submit that there is no such requirement for including claim dependency recitations in a preamble, Applicants have amended claims 11 and 21 to address the concerns of the Examiner.

At this point it should be noted that claim 5 has been amended solely to correct a grammatical error.

In view of the foregoing, it is respectfully requested that the objections to claims 1, 11, 13, and 21 be withdrawn.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this communication to Deposit Account No. 50-0206, and please credit any excess fees to such deposit account.

Patent Application
Attorney Docket No.: 64646.000002
Client Reference No.: CHE10640US

Respectfully submitted,

Hunton & Williams LLP

By: 

Thomas E. Anderson

Registration No. 37,063

TEA/vrp

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Date: July 14, 2005